

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P17794-JOM	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 03/13862	International filing date (day/month/year) 06.12.2003	Priority date (day/month/year) 18.01.2003
International Patent Classification (IPC) or both national classification and IPC H04Q7/24		
Applicant TELEFONAKTIEBOLAGET LM ERICSSON (PUBL) et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:
- I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 27.07.2004	Date of completion of this report 23.08.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Müller, N Telephone No. +49 89 2399-7144 

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International application No. **PCT/EP 03/13862**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-9 as originally filed

Claims, Numbers

1-11 as originally filed

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
 - ☐ the language of publication of the international application (under Rule 48.3(b)).
 - ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:
- ☐ contained in the international application in written form.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority in written form.
 - ☐ furnished subsequently to this Authority in computer readable form.
 - ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
 - ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.
4. The amendments have resulted in the cancellation of:
- ☐ the description, pages:
 - ☐ the claims, Nos.:
 - ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-11
	No: Claims	
Inventive step (IS)	Yes: Claims	1-11
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

2. Citations and explanations

see separate sheet

Concerning Section V

1. Reasoned statement under Article 35(2) PCT with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- 1.1 The present invention relates to a **database interrogation** method (**claims 1 and 3**) when setting up a connection of a first service with a fall-back solution (ie. an alternative second service) in case the called subscriber is not provisioned for the first service, the method being performed by a call control node (eg. GMSC) and a database for storing subscriber data (eg. HLR), and the corresponding call control node (**claim 6**), database (**claim 8**) and software (**claims 10 and 11**).

According to invention the database interrogation, ie. the communication between the call control node and the database, comprises at least **two steps** (one step for each service to be checked). When the call control node receives the set-up request comprising the indications of at least two services it sends a **first information request message** to the database comprising an identification of a first service and an **indication that at least one further information request message will be sent**. In the response message the database indicates whether the called subscriber supports the related service, and whether it is adapted to process said indication that at least one further information request message will be sent. Then, the call control node sends a **second information request message** comprising an identification of a second service.

The two step database interrogation, as claimed, is neither taught, nor rendered obvious, alone or in combination, by the available prior art documents cited in the International Search Report.

The closest prior art, given by the document "**3GPP TS 23.172 version 5.1.0 Release 5**" (hereinafter referred to a document **D1**) cited by the Applicant and in the International Search Report, discloses a method for setting up a connection of a first service with a fall-back solution (ie. an alternative second service) in case the called subscriber is not provisioned for the first service. The method according to **D1** comprises a step of interrogating a database by a call control node for checking whether the called subscriber is provisioned for the service (see in

particular chapter 4.2.2, lines 1 and 2).

The problem of the method disclosed in **D1** is that the interworking between the call control node and a database is not specified. There is no hint at the claimed two step database interrogation procedure.

The particular method of claims 1 and 3, and the respective call control node of claim 6, database of claim 8, and software of claims 10 and 11 are therefore new and considered to involve the required inventive step, see Articles 33 (2) and (3) PCT. The subject-matter of said claims is also industrially applicable, see Article 33 (4).

- 1.2 The **dependent claims 2, 4, 5, 7 and 9** relate to further implementing details of the methods defined by claims 1 and 3, and the respective call control node of claim 6 and the database of claim 8, and do thus equally meet all the requirements of Article 33 PCT.

2. Remarks concerning clarity of the international application

- 2.1 It is clear from the description (see in particular page 1, lines 22 to 24; and page 2, lines 14 to 17) that the following features are **essential** to the definition of the invention:

The method providing an interworking between a call control node and a database for storing subscriber data supporting the implementation of a fall-back at call set-up by requesting more than one services during call set-up.

Since **independent claims 1, 3, 6, 8, 10 and 11** do not contain these features, they do not meet the requirements of Article 6 PCT that any independent claim must be fully supported by the description.

- 2.2 Furthermore, it is clear from the description (see in particular page 2, lines 17 to 19) that the following features are **essential** to the definition of the invention:

The call control node comprising receiving means for receiving a response

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message sent by the database indicating that the database is adapted to handle the indication that at least one further request message will be sent.

Since **independent claim 6** does not contain these features, it does not meet the requirements of Article 6 PCT that any independent claim must be fully supported by the description.

- 2.3 The wording of **independent claims 10 and 11** is not clear, see Article 6 PCT. For clarity reasons an independent claim concerning a **computer program/software** should be formulated for example like: *"A computer program comprising computer program code means adapted to perform all the steps of the method of claim ... when said program is run on a computer."*

3. Remarks concerning formal defects in the international application

The independent claims are not drafted in the **proper two-part "characterised" form** recommended by Rule 6.3 (b),(i),(ii) PCT, having a preamble that correctly reflects the nearest prior art, presumably that represented by the above noted document **D1**.

The requirements of Rule 6.2 (b) PCT are not met, since **reference signs in parentheses** are not inserted in the claims to increase their intelligibility. This applies to both the preamble and characterising portion (see PCT Guidelines for Preliminary Examination, PG-III, 4.11).